



# MICHIGAN COUNCIL ON CRIME AND DELINQUENCY

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## House Judiciary Committee Testimony in Support of HB 5995

Submitted by Michelle Weemhoff, MSW  
March 31, 2010

I support House Bill 5995, which will allow the expunction of arrest cards and fingerprints for youth who have successfully completed a period of probation resulting in a dismissal of an alleged juvenile offense.

At one time, only juveniles suspected of the most serious offenses were fingerprinted. Now we fingerprint nearly every child that is arrested; the prints are destroyed only upon a motion to the Court (MCR 9.623(C)).

In Michigan, our courts have an array of alternative options to provide varying degrees of intervention, taking into consideration the offense, history, risks, and strengths. In minor cases, Courts may opt for deferment, agreeing that *the petition will be dismissed* if and when the child successfully completes a probationary period determined by the judge. Deferment is typically reserved for first-time, non-violent cases with an extremely low risk of reoffending. Such informal options were specifically created so that youth could learn the consequences of their actions but avoid the formal system and the negative consequences that could result.

Most families, particularly those without zealous legal assistance, wrongly assume that their child's records will be destroyed if the case is dismissed. In fact, the records remain within the database of the State Police.

This bill has raised a lot of questions for me about how our state is protecting the rights and privacy of our youngest citizens. Most people think juvenile records are sealed; for the most part, they are not. In fact, the long term consequences of an adjudication can limit one's access to employment, housing, federal financial aid for college, and military service, to name a few. We shouldn't create barriers for kids who have proven to the Court that they want to succeed. If a judge dismisses a petition, it stands to reason that the arrest card and fingerprints are immediately destroyed.

Passage of this bill reflects the true rehabilitative nature of the juvenile justice system by giving kids a second chance to define themselves beyond their teenage mistakes.

Respectfully submitted,

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